



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

AUG 18 2017

Dr. Catherine Phillips  
Project Leader  
U. S. Fish and Wildlife Service  
Panama City Ecological Services Field Office  
1601 Balboa Avenue  
Panama City, Florida 32405-3792

Subject: Informal Consultation Request for the EPA's Clean Water Act, Section 303(c) Approval Action for Florida's Hierarchy 1 Site-Specific Nitrate Criteria for the Wacissa River (WBID 3424)

Dear Dr. Phillips:

The U.S. Environmental Protection Agency is obligated under Section 7(a)(2) of the Endangered Species Act (ESA), 16 U.S.C. § 1536(a)(2), to insure that any action it approves is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat. The EPA, therefore, requests that the U.S. Fish and Wildlife Service (Service) review the water quality criteria described below for the Wacissa River (WBID 3424), which were submitted to the EPA by the state of Florida for the EPA's approval, pursuant to Section 303(c) of the Clean Water Act (CWA), 33 U.S.C. § 1313(c). The supporting documentation for the water quality criteria revision is included in the enclosure to this letter.

Waterbody	WBID	Parameter	Criteria	Aquatic & Aquatic-dependent Listed Species	ESA Determination
Wacissa River	3424	Nitrate	0.20 mg/L (monthly average, not to be exceeded)	1) Manatee 2) Atlantic Sturgeon (gulf subspecies) 3) Wood Stork 4) Red Knot 5) Piping Plover	1) may effect, but NLAA <sup>1</sup> 2) may effect, but NLAA 3) may effect, but NLAA 4) may effect, but NLAA 5) may effect, but NLAA

<sup>1</sup> Not Likely to Adversely Affect.

The EPA is submitting this request under the informal consultation provision of the ESA regulations at 50 C.F.R. § 402.13, and has made determinations of “may effect, but not likely to adversely affect” for all aquatic and aquatic dependent species within the Wacissa River. The EPA made these determinations because all the default numeric nutrient criteria for the Wacissa River will remain effective per 62-302.531(2)(c), F.A.C.<sup>2</sup> Thus, the addition of the nitrate value for the Wacissa River (WBID 3424) provides an additional level of protection against nutrient enrichment. The EPA is currently reviewing the Nutrient TMDL for Wacissa River and Springs (WBIDs 3424 and 3424Z) to establish a Hierarchy 1 (H1) Site-Specific Water Quality Standard.

The Nutrient TMDL for Wacissa River and Springs (WBIDs 3424 and 3424Z) also establishes a site-specific nitrate value for Wacissa Springs (WBID 3424Z), which is not included in this request for consultation. The site-specific nitrate value proposed by the state of Florida in the submittal is more stringent than the default numeric nutrient criteria for springs in the state of Florida (62-302.531(2)(b)2., F.A.C.). The Service provided concurrence with the EPA’s programmatic consultation on site-specific nutrient criteria with the Florida Department of Environmental Protection on July 21, 2015 for any site-specific nutrient criteria that are more stringent than the existing default nutrient criteria in place in the state of Florida for the waterbody.

The Memorandum of Agreement signed by the Service and the EPA regarding enhanced coordination under the CWA and ESA, provision V.B.6., requests that the EPA notify the Service in writing when making a “may effect, not likely to adversely affect” determination. Additionally, the Service will respond in writing within 30 days of receipt of such determination, unless extended by mutual agreement. The response will state whether the Service concurs or does not concur. If the Service does not concur, it will provide a written explanation that includes the species and/or critical habitat of concern, the perceived adverse effects, supporting information, and a basic rationale. 66 Fed. Reg. 11,202-11,210 (Feb. 22, 2001).

Please contact Dr. Katherine Snyder at (404) 562-9840 or [snyder.katherine@epa.gov](mailto:snyder.katherine@epa.gov) should you have questions.

Sincerely,



Joanne Benante, Chief  
Water Quality Planning Branch

Enclosure

cc: Mr. Channing St. Aubin, FWS, Panama City, FL (electronic only)  
Mr. Jerry Ziewitz, FWS, Tallahassee, FL (electronic only)

---

<sup>2</sup> F.A.C. refers to Florida Administrative Code.